



# STATE OF WASHINGTON APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

NOTE: THIS FORM IS ONLY TO BE USED FOR THE  
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☐ Lease  
☐ Purchase  
☒ Donation  
☐ Other

Explain: \_\_\_\_\_

☒ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE: Upon acceptance  
END DATE: 10 years from acceptance  
(See Note #1)

FOR OFFICE USE ONLY	
FILE No. <u>CS4-00169557@10</u>	WRIA <u>39</u>
DATE ACCEPTED <u>12/18/2013</u>	BY <u>[Signature]</u>
FEE \$ <u>[Signature]</u>	REC'D <u>11/25/2013</u>
CHECK No. <u>[Signature]</u>	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\*

## 1. Applicant Information:

APPLICANT/BUSINESS NAME Hutchinson Properties L.L.C.	PHONE NO. (509) 933-7050	FAX NO. ( )
ADDRESS P.O. Box 938		
CITY Ellensburg	STATE WA	ZIP CODE 98926-0938
CONTACT NAME (IF DIFFERENT FROM ABOVE) Jeff Slothower	PHONE NO. (509) 925-6916	FAX NO. (509) 962-8093
ADDRESS P.O. Box 1088		
CITY Ellensburg	STATE WA	ZIP CODE 98926-1088

## 2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER 00169	RECORDED NAME(S) James O. and Helen Hutchinson
DO YOU OWN THE RIGHT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (See Note #2)	
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (See Note #2)	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

FOR OFFICE USE ONLY	
WATER RIGHT NO. _____	FILE (contract) NO. _____
<u>CS4-00169557@10</u>	



3. How is Water to be Made Available for Trust?

<input type="checkbox"/> Alteration in method of diversion	<input type="checkbox"/> Alteration in water use/ irrigated acreage
<input type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input checked="" type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input type="checkbox"/> Other, Explain below:
Name of funding source(s):	

WATER RIGHT DESCRIPTION \*

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Yakima River		NW	SE	12	18	17	(See Note #3)	

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
(See Note #4)			

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
(See Note #5)	

6. Place of Use: Being a portion of the S 1/2 NW 1/4 of the N 1/2 SW 1/4 Sec. 28, T 18N / R 18E

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Parcel B1, B2, B3, B4, B5, B6, and B7 of that certain survey recorded 9/15/1988, under Kittitas County Auditor's File 51581 in Book 15 of Surveys, Page 180 AND Parcel 2T of Survey recorded March 7, 1966, AFN 199603070020 in Book 21 of Surveys, at Page 232, records of Kittitas County, being a portion of the South 1/2 of the NW 1/4 of the SW 1/4 of Section 28, Township 18, N, Range 18 East, W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
		28	18	18	Kittitas		54.36
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							



6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
(See Note #6)

7. Remarks and Other Relevant Information:

Note 1: The Applicant has donated portions of this water right to trust in the past (Ecology Control Nos. CS4-00169sb7@8 and CS4-00169sb7@9). A copy of Ecology's acceptance letter regarding those donations is attached hereto as Exhibit A. Those rights are referred to as Trust Water Right 1 and Trust Water Right 2, respectively. The applicant owns and operates a gravel mining operation on portions of the place of use of the right. The mine is operated under DNR Surface Mine Reclamation Permit No. 70-010239.

The Applicant now desires to donate an additional portion of the water described herein to the Trust while the mining of the place of use occurs. Once the mining ceases and the place of use is reclaimed, the Applicant will remove Trust Water Right 1, Trust Water Right 2 and the water associated with this application from the Trust to use the water in the authorized place of use for the authorized purpose. The Applicant proposes the applicant will notify the Washington State Department of Ecology (Ecology) by November 1 of each year and inform Ecology that the Applicant wants the water to remain in trust. If the Applicant fails to notify Ecology of its intentions, then the water automatically remains in the Trust Water Right Program for the next calendar year.

1 + 2 Area  
Inactive...

Note 2: The water right was the subject of a transfer processed through the Kittitas County Water Conservancy Board under Water Right Change Application No. CS4-00169CTCL (KITT-04-13). The Kittitas County Water Conservancy Board signed a Report of Examination (ROE) on March 29, 2005. Ecology modified the Kittitas County Conservancy Board decision on May 17, 2005.

The water right was the subject of a second transfer processed through the Kittitas County Water Conservancy Board under Water Right Change Application No. CS4-00169CTCL@7 (KITT-10-03). The Kittitas County Water Conservancy Board signed a Report of Examination (ROE) on May 24, 2010. Ecology modified the Kittitas County Conservancy Board decision on July 15, 2010.

Note 3: The complete description of the point of diversion is 500 feet south and 850 feet east from the center of Section 12, being within the NE 1/4 NW 1/4 SE 1/4 of Section 12, T 18 N, R. 17 E.W. M.

Note 4: a) 1.75 cfs; 877.40 acre feet per year for irrigation of 58.21 acres;  
b) .47cfs for conveyance loss;  
c) .233 cfs, 24.215 acre feet per year from December 1 to March 31 for stock water;  
d) April 1 to October 31 for irrigation – continuous for stock water;  
e) The annual consumption quantity for this right shall not exceed 147 acre feet or 2.7 acre feet per acre.



Note 5: The applicant wishes to transfer to the Trust Water Right Program the following quantities of water:

Application No.	Purpose of Use	Acres Fallowed	Period	Instantaneous Rate (cfs)	Annual Quantity (af/y)
	Irrigation	12.00	Apr 1 - Oct 31	0.384 cfs	191.352 afy
	Conveyance	12.00	Apr 1 - Oct 31	0.096cfs	n/a
	Stock water	--	Dec 1 - Mar 31	0.048cfs	5.34 afy

The quantities have been determined based on the per-acre quantities identified in Ecology's June 11, 2013 letter. Specifically, 22.36 acres were fallowed under CS4-00169sb7@8 with an instantaneous rate of .710 cfs and 356.5 acre-feet. Thus, the calculations were arrived at as set forth on Exhibit B.

The water placed in trust may be used by the Trust for instream flow purposes or fish enhancement purposes so long as the water may be used for the authorized purposes when it is removed from trust.

Note 6: The portion of the water right not transferred to the Trust Water Right Program in Trust Water Right 1, Trust Water Right 2 and this donation would continue to be used for the authorized uses including the irrigation of 20 acres located within Parcel 2T of the described place of use. The portion of the right transferred to the Trust Water Rights Program shall be used for instream flow purposes or fish enhancement purposes in the Yakima River downstream from the point of diversion to the mouth of the Yakima.

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

8. Signatures:

*I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.*

 (Applicant)	<u>11/21/13</u> (Date)
 (Water Right Holder)	<u>11/21/13</u> (Date)
 (Land Owner(s) of Existing Place of Use)	<u>11/21/13</u> (Date)

**IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.**



**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

☐ ADDITIONAL SIGNATURES REQUIRED

☐ SECTION \_\_\_\_\_ IS INCOMPLETE

☐ OTHER/EXPLANATION: \_\_\_\_\_

**STAFF:** \_\_\_\_\_ **DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_